

# Best Available Copy



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
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Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO
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EXAMINER

ART UNIT	PAPER NUMBER
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27

DATE MAILED:

## INTERVIEW SUMMARY

All participants (applicant, applicant's representative, PTO personnel):

(1) Vivek SRIVASTAVA (3)

(2) MARK OLDS (4)

Date of Interview: 3/12/01

Type:  Telephonic  Televideo Conference  Personal (copy is given to  applicant  applicant's representative)

Exhibit shown or demonstration conducted:  Yes  No If yes, brief description: \_\_\_\_\_

Agreement  was reached  was not reached.

Claim(s) discussed: ALL

Identification of prior art discussed: OLIVO, WEST

Description of the general nature of what was agreed to if an agreement was reached, or any other comments: Amendment possibilities to overcome the cited Art. Discussed

(A fuller description, if necessary, and a copy of the amendments, if available, which the examiner agreed would render the claims allowable must be attached. Also, where no copy of the amendments which would render the claims allowable is available, a summary thereof must be attached.)

It is not necessary for applicant to provide a separate record of the substance of the interview.

Unless the paragraph above has been checked to indicate to the contrary, A FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION IS NOT WAIVED AND MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04) If a reply to the last office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW.

Examiner Note: You must sign this form unless it is an attachment to another form.

  
VIVEK SRIVASTAVA  
PATENT EXAMINER

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## Manual of Patent Examining Procedure, Section 713.04 Substance of Interview must Be Made of Record

Except as otherwise provided, a complete written statement as to the substance of any face-to-face or telephone interview is to be made of record in the application, whether or not an agreement with the examiner was reached at the interview.

### §1.133 Interviews

(b) In every instance where a consideration is requested in view of an interview with an examiner, a complete written statement of the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action and 1.135. (35 U.S.C. 132)

§ 1.2. Business to be transacted in writing. All business with the Patent or Trademark Office should be transacted in writing. The applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office is on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office. That record is to be through the Office to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete a two-sheet carbon Interleaf Interview Summary Form for each interview held after January 1, 1978 where a consideration of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks in neat handwriting form using a ball point pen. Only procedural matters directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, pointing out typographical errors or unreadable script in Office actions or the like, or resulting in an examiner's amendment that fully sets forth the agreement are excluded from the interview recordation procedures below.

The Interview Summary Form shall be given an appropriate paper number, placed in the right hand portion of the file, and listed on the "Applicants' list on the file wrapper. In a personal interview, the duplicate copy of the Form is removed and given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication.

The Form provides for recordation of the following information:

- Application Number of the application
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (personal or telephonic)
- Name of participant(s) (applicant, attorney or agent, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the claims discussed
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of amendments or claims agreed as being allowable). (Agreements as to allowability are tentative and do not restrict further action by contrary.)
- The signature of the examiner who conducted the interview
- Names of other Patent and Trademark Office personnel present.

The Form also contains a statement reminding the applicant of his responsibility to record the substance of the interview.

It is desirable that the examiner orally remind the applicant of his obligation to record the substance of the interview in full. If the examiner agrees that the examiner will record same. Where the examiner agrees to record the substance of the interview, no Form is added to the Form or in an attachment to the Form, the examiner should check a box at the bottom of the Form form the applicant that he or she did not submit a separate record of the substance of the interview.

It should be noted however, that the Interview Summary Form will not normally be considered a complete and proper record of the interview or is supplemental to the applicant or the examiner to include all of the attachable items required following the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following attachable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed unless those are already described in the Form completed by the examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner. The identification of arguments need not be elaborate. A brief or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may emphasize and fully describe those arguments which he feels were or might be persuasive to the examiner.
- 6) a general indication of any other pertinent matters discussed; and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete, the applicant one month from the date of the notifying letter to complete the record and thereby avoid abandonment of the application. CFR 1.135.

### Examiner to Check for Accuracy

Applicant's summary of what took place at the interview should be carefully checked to determine the accuracy of any statement or statement attributed to the examiner during the interview. If there is an inaccuracy and it bears directly on the question of patentability, it should be pointed out in the Office letter. The statement attributed to the examiner will give the instance of the inaccuracy. The date of the interview.